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Abstract Title: Public Health Implications of Elderly Prisoners in the Criminal Justice System

Abstract: This paper explores the public health implications of elderly prisoners. An aging free world population has led to concurrent increases in elderly prisoners, raising public health concerns. Elderly prisoners are usually in poorer health than their younger counterparts, as well as individuals in the free world, raising the need for scholarly inquiry. Through inductive legal reasoning using doctrinal research methodology, four findings emerge from an analysis of federal and state case law. First, elderly inmates prevail in civil lawsuits when prison conditions expose them to extreme weather. Prison officials may be liable if they fail to separate young violent inmates from frail elderly inmates, resulting in victimization. Second, the government prevails in civil lawsuits if elderly inmates receive reasonable and adequate medical care; specialized medical care is not required for elderly inmates unless ordered by a physician. Prison officials win lawsuits if they lack knowledge that elderly inmates are at increase risk of inmate-on-inmate assault. Third, when imposing criminal sentences, judges use the frail age and deteriorating health of elderly defendants to give lighter sentences. Infirm and elderly inmates receive early prison release and other forms of community corrections. Fourth, judicial discretion may lead to increased sentence length if the gravity and severity of a crime does not mitigate the defendant's old age and frail health. The paper concludes that old age and infirm health influence the final disposition of criminal cases and civil lawsuits.